

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PURE POWER BOOT CAMP, INC.; PURE POWER BOOT-CAMP FRANCHISING CORPORATION; and PURE POWER BOOT CAMP JERICO INC.,

Plaintiffs,

- against -

WARRIOR FITNESS BOOT CAMP, LLC;  
ALEXANDER KENNETH FELL a/k/a ALEX FELL,  
Individually; RUBEN DARIO BELLIARD  
a/k/a RUBEN BELLIARD, Individually;  
JENNIFER J. LEE, Individually;  
and NANCY BAYNARD, Individually,

**Defendants.**

**ECF Case**  
**Case No. 08-cv-4810 (JGK) (THK)**

**AFFIDAVIT OF AMY MARKS**

STATE OF NEW YORK )  
                                  SS:  
COUNTY OF NEW YORK)

AMY MARKS, being duly sworn, deposes and says:

1. I was a member of Pure Power Boot Camp ("Pure Power") for approximately 2 ½ years.

While at Pure Power, my instructors were Alex Fell (“Fell”) and Ruben Belliard (“Belliard”).

2. I remained at Pure Power for one reason -- my trainers, Fell and Belliard, who were amazing instructors. Pure Power itself had deteriorated from the time that I joined, to the extent that had I not insisted that Pure Power dispose of the old, filthy workout mats, and order new ones, I would have contacted the Health Department to make a complaint.

3. When I learned that Fell and Belliard had left Pure Power, and had opened their own gym, Warrior Fitness Boot Camp (“Warrior”), I determined to follow them there.

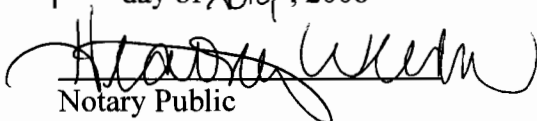
4. *No one solicited me to join Warrior.*

5. Warrior looks totally different than Pure Power. The gyms have different colors, appearances, feel, atmosphere, and layout.

6. Before I left Pure Power, Brenner publicly quoted to class of about 10 members from what appeared to be private emails. Brenner also referenced private emails to me over the telephone.

  
AMY MARKS

Sworn to before me this  
1<sup>st</sup> day of July, 2008

  
Notary Public

**HEATHER WRENN**  
Notary Public, State of New York  
No. 01WR6134614  
Qualified in Queens County  
Commission Expires October 3, 2009